

MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT RULES

Rule 1 Application of Rules

These rules apply to all cases filed in the Eighteenth Judicial District.

These rules supplement the Montana Rules of Civil Procedure and the Montana Uniform District Court Rules. All prior rules issued by the Eighteenth Judicial District Court are rescinded and these rules substituted therefore.

If an order setting a requirement or restriction imposed by the court in a particular case conflicts with these rules, the court's order supersedes these rules.

The Montana Uniform Municipal Court Rules of Appeal to District Court apply to appeals from the Bozeman Municipal Court to the District Court.

Rule 2 Departments of the District Court

The District Court of the Eighteenth Judicial District of the State of Montana is divided into three departments:

Department No. 1 - presided over by Judge Holly Brown
Department No. 2 - presided over by Judge Mike Salvagni
Department No. 3 - presided over by Judge John C. Brown

Rule 3 Chief Judge and Meetings

There is a chief judge. The position of chief judge is assumed for a calendar year by each presiding judge in the year set forth below and continuing in the same order thereafter:

Department No. 1 - 2005
Department No. 2 - 2006
Department No. 3 - 2007

The duties of the chief judge shall be to provide for the efficient management of the district court business, in cooperation with the other judges of the district. The judges shall meet at a regular time and place designated by the chief judge and at such other times as they shall agree.

All three judges shall serve simultaneously as Youth Court Judges. The Chief Judge shall serve as Chief Youth Court Judge.

Rule 4 Designation of Cases

All matters filed in each docket shall be allocated among the three departments in random selection. Depending upon the department in which the case is filed, the case designation shall end with the letter "A", "B" or "C". Cases assigned to Department No. 1 are designated by last letter "A"; cases assigned to Department No. 2 are designated by last letter "B"; and cases assigned to Department No. 3 are designated by last letter "C".

If jurisdiction over the case passes to another judge the case remains assigned to the original department but the case number will end with an "X" (i.e., DV-05- 59AX). Pursuant to Section 3-1-308, MCA, the first district judge substituted or disqualified shall call in all subsequent judges by first attempting to call in another judge of the Eighteenth Judicial District prior to calling in a judge from another district.

Rule 5 Division of Business

Department No. 1:

Criminal law and motion: Tuesdays at 8:30 a.m.

Uncontested civil and probate matters: As scheduled by the Court.

DN cases: 2nd Friday of the month and as scheduled by the Court.

Criminal trial months: February, May, August, and November.

Criminal omnibus hearings: 2nd Tuesday of the month at 1:30 p.m.

Department No. 2:

Criminal law and motion: Mondays at 8:30 a.m.

Uncontested civil and probate matters: As scheduled by the Court

DN cases: 1st Friday of the month and as scheduled by the Court.

Criminal trials months: January, April, July, and October.

Criminal omnibus hearings: 2nd Monday of the month at 1:30 p.m.

Department No. 3:

Criminal law and motion: Wednesdays at 8:30 a.m.

Uncontested civil and probate matters: As scheduled by the Court.

DN cases: 3rd Friday of the month and as scheduled by the Court.

Criminal trial months: March, June, September, and December

Criminal omnibus hearings: 2nd Wednesday of the month at 1:30 p.m.

If a criminal omnibus hearing day falls on a holiday, the judge will schedule it for another day, which will not conflict with the other departments.

If a defendant in custody needs to be seen by a judge earlier than the regularly scheduled criminal law and motion day for the judge having jurisdiction, the County Attorney, Defense Attorney or Pretrial Services may arrange to have the defendant seen at another time in that or in another department.

Rule 6 Pleadings/Briefs

A. Length

Pleadings/briefs in all cases, except initial pleadings and except where otherwise limited in any statute or rule, shall be limited to 20 pages, not including attachments. Additional pages may be filed only with leave of the court upon a showing of good cause.

B. Form of Briefs

Refer to Rule 1, Uniform District Court Rules.

C. Case Citations

Montana Supreme Court cases issued before 1998 shall have the Montana Reports and Pacific Reporter citations. For citations to Montana Supreme Court cases issued after 1998, see *Matter of Opinion Forms and Citation Standards* 54 St. Rep. 1357 (1997), or www.lawlibrary.state.mt.us/dscgi/ds.py/Get/File-4161/Order-citation.pdf.

D. Motions

Uncontested motions shall state that opposing counsel does not contest the motion. It is not sufficient that the motion states that opposing counsel could not be contacted. Uncontested motions shall include a proposed order with copies and addressed envelopes for all counsel of record. If an uncontested motion does not state that it is uncontested, it will be treated as a contested motion and be placed on the motions calendar until the time for filing briefs is expired.

Contested motions are subject to Rule 2, Uniform District Court Rules and will be placed on the motions calendar until the time for filing briefs is expired.

E. Motions to Continue or for Extensions

Motions to continue and for extensions must be in writing and shall state

the position of opposing counsel regarding the motion. It is not sufficient that the motion states that opposing counsel could not be contacted. If a motion to continue or for extension does not state the position of opposing counsel, the motion shall be subject to Rule 2, Uniform District Court Rules. The Court will not rule on the motion until the response time has expired.

F. Filing Deadlines.

Filing and scheduling order deadlines will be strictly adhered to unless a written motion for an extension has been received and approved by the Court.

Rule 7 Specific Trial/Hearing Conduct

A. If a party is represented by more than one attorney, only one of the attorneys may question a specific witness.

B. If a party is represented by more than one attorney, and one of those attorneys object to a line of questioning, then only that objecting attorney may cross-examine the witness.

C. Attorneys must request permission of the court to approach witnesses.

D. If a document is presented during trial/hearing, the attorney shall have the document properly marked by the clerk and shall provide copies of the document to the judge and to opposing counsel.

E. Attorneys/clients shall not keep the Court waiting, but shall appear at the scheduled time ready to proceed.

Rule 8 Court Security - Potentially Violent Situations; Duty of Party

In any case where a party believes that a potentially violent situation may arise, that party, through counsel or *pro se*, shall notify the administrative assistant of the assigned judge sufficiently in advance so that appropriate security measures can be taken.

Rule 9 Final pretrial conferences.

In all cases (civil and criminal) at least one of the attorneys who will conduct the trial for a party and any unrepresented party shall personally attend the final pretrial conference. A substitute attorney may be allowed to represent a party at a final pretrial conference only after written approval of the Court upon a showing of good cause .

Rule 10 Motions for Protective Order or Order Compelling Discovery - Good Faith.

A motion for a protective order filed under Rule 26 (c), M.R.Civ.P., or a motion for an order compelling discovery filed under Rule 37, M.R.Civ.P., shall be accompanied by a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute or to secure the disclosure or discovery without court action. Failure to include the certification or failure to make a good faith effort to confer may result in sanctions as allowed by Rules 26 (c) and 37.

Rule 11 Time Allowed for Hearings and Trials.

The Court will assign a time limit for all hearings involving contested matters. The attorneys and pro se litigants shall advise the Court of the number of witnesses and the estimated length of time required for the hearing. The attorneys and pro se litigants shall be realistic with the time estimated and requested for hearings and trials. Hearings will be limited to the time set by the Court.

Effective: January 3, 2006

Holly Brown
District Court Judge
Department No. 1

Mike Salvagni
District Court Judge
Department No. 2

John C. Brown
District Judge
Department No. 3